



51397

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : PATENT

Herbert BALTES et al.

Serial No.: 10/584,713 : Art Unit: 3657

Filed: June 26, 2006 : Examiner:

For: PRESSURE ACCUMULATOR,
ESPECIALLY PULSATION
DAMPER

SUBMISSION OF ENGLISH LANGUAGE PRELIMINARY EXAMINATION REPORT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English Language Preliminary Examination Report for the above-identified application.

Respectfully submitted,

Mary Bush

Mark S. Bicks
Reg. No. 28,770

Roylance, Abrams, Berdo & Goodman, LLP
1300 19th Street, NW, Suite 600
Washington, DC 20036
(202)659-9076

Dated: January 16, 2009

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

BARTELS UND PARTNER
Lange Strasse 51
70174 Stuttgart
ALLEMAGNE

Bartels und Partner
Patentanwälte
Eingegangen:
Received: 18. OKT. 2006

TERMIN

Date of mailing (day/month/year) 12 October 2006 (12.10.2006)	
Applicant's or agent's file reference 40cdh/229311	IMPORTANT NOTIFICATION
International application No. PCT/EP2005/000410	International filing date (day/month/year) 18 January 2005 (18.01.2005)
Applicant HYDAC TECHNOLOGY GMBH et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Ellen Moyse

Facsimile No. +41 22 338 82 70

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 40cdh/229311	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2005/000410	International filing date (day/month/year) 18 January 2005 (18.01.2005)	Priority date (day/month/year) 29 January 2004 (29.01.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant HYDAC TECHNOLOGY GMBH			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report
03 October 2006 (03.10.2006)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Ellen Moyse e-mail: pt05@wipo.int
---	--

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)	See form PCT/ISA/210
Applicant's or agent's file reference 40cdh/229311		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/EP2005/000410	International filing date (day/month/year) 18.01.2005	Priority date (day/month/year) 29.01.2004	
International Patent Classification (IPC) or both national classification and IPC F15B1/10, F15B1/22			
Applicant HYDAC TECHNOLOGY GMBH			

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Box No. I Basis of the opinion
<input type="checkbox"/>	<input type="checkbox"/>	Box No. II Priority
<input type="checkbox"/>	<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	<input type="checkbox"/>	Box No. IV Lack of unity of invention
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	<input type="checkbox"/>	Box No. VI Certain documents cited
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Box No. VII Certain defects in the international application
<input type="checkbox"/>	<input type="checkbox"/>	Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	
Telephone No.	

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000410

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2005/000410

Box No. V **Reasoned statement under Rule 43bis, I(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	YES
	Claims 1	NO
Inventive step (IS)	Claims	YES
	Claims 2-10	NO
Industrial applicability (IA)	Claims 1-10	YES
	Claims	NO

2. Citations and explanations:

Claim 1

1. Claim 1 would not meet the requirements of PCT Article 6 as

1.1 the term fluid comprises both liquid and gaseous media and even media in supercritical state;

1.2 the expression "more particularly" is used several times.

To the extent that the subject matter of claim 1 can be understood with the aid of the description, the following statement is possible:

2. Document DE-A-199 08 089 (D1) discloses a pressure accumulator with an accumulator housing (1, 3, 5) and a piston part (21) arranged therein, a bellows-type separating element (17) being supported with its one end on the piston part (21) and with its other end on the accumulator housing (1), and the separating element (17) separating

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000410

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

two working spaces (11, 23), that is a gas space (23) and a fluid space (11), inside the accumulator housing (23) from one another in a fluidtight and gastight manner, one working space (23) being filled with a fluid in addition to a predefinable volume content of a working gas (see column 2, lines 46-49).

3. Accordingly, all the features of claim 1 are known from document D1, and the requirements of PCT Article 33(2) (novelty) would therefore not be met.

Dependent claims

4. The shortcoming raised under point 2 could be overcome by adding the feature "that the liquid with which the working space with working gas is filled is an alcohol". The other dependent claims would be allowable with clarification and the feature mentioned above added.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000410

Box No. VII . Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Pursuant to PCT Rule 5.1(a) (ii), the description should cite document D1 and briefly outline the relevant prior art contained therein.
2. As a precaution, it is pointed out that details which, although they concern the subject matter of the invention (for example further particulars with regard to the advantages of the invention or the problem addressed), have no basis in the original documents, should if necessary be included in the reply but not in the application (PCT Article 34(2)(b)).